MSS

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION (L) NO. 1996 OF 2007

NESCO LTD. & ANR. .. PETITIONERS

Vs.

STATE OF MAHARASHTRA & ORS. .. RESPONDENTS

Mr. Janak Dwarkadas i/b Legasis Partners for petitioners

Ms. Anjali Chandurkar i/b Mulla & Mulla for R-3

Ms. S. M. Kadam i/b IC Legal for R-2

Mr. Pradeep Jadhav, AGP for R-1

CORAM: **SMT. RANJANA DESAI & DR. D.Y. CHANDRACHUD,** JJ.

DATE: OCTOBER 1, 2007.

P.C.

. The main grievance of Mr. Dwarkadas the learned Senior Counsel appearing for the petitioner is that the Electricity Ombudsman i.e. respondent 2 herein has not decided the petitioners' interim application. We are informed that the petitioner has already deposited an amount of Rs.25 lakhs with respondent 3, pursuant to order dated 30/5/07.

2. In our opinion, the petition can be disposed of

by giving a direction to respondent 2 to dispose of the petitioners' interim application within a period of four weeks from the date of receipt of this order by him on a condition that the petitioners deposit an amount of Rs.20 lakhs with the 3rd respondent. Deposit of Rs. 20 lakhs is a condition precedent to the hearing of the application. Order accordingly.

3. If as directed by us the amount is deposited, the third respondent shall not disconnect the electricity connection for a period of four weeks. The 2nd respondent shall communicate the order passed by him to the petitioners. If the order passed by respondent 2 is adverse to the petitioners. the third respondent shall not disconnect the electricity connection for a period of three weeks from the date of the order.

4. Petition is disposed of.

JUDGE.

JUDGE.